extended to misdemeanor cases. *Shelp* v. *U. S.*, 26 C. C. A. 570, 81 Fed. 694. The logical result of this holding is that a state cannot enact a statute dispensing with arraignment and plea in a criminal trial. *Hack* v. *State, supra* (*dictum*).

The state has an interest in the life and liberty of its citizens. It is to the interest of the state that one charged with crime should be given a trial in which all the essentials of due process of law should appear. Hence that which the law makes essential to a valid trial cannot be dispensed with or affected by the consent of the accused. *Hopt* v. *Utah*, 110 U. S. 574. It has been held that arraignment and plea is essential to a valid trial and comes within the above rule. *State* v. *Walton*, 50 Ore. 142, 91 Pac. 490.

The decision in the principal case would seem to be sound in theory and reason. To hold that the accused has impliedly waived his right to arraignment and plea by failure to object before verdict would be to deprive him of his constitutional rights by a mere implication.

EXEMPTION OF NONRESIDENTS FROM SERVICE OF CIVIL PROCESS—PARTIES—WITNESSES—ATTORNEYS.—*Held*, a nonresident and his attorney within the state for the purpose of bringing a suit are exempt from service of civil process in another action. *Read* v. *Neff*, 207 Fed. 890.

Nonresident parties are, by the weight of authority, held exempt from the service of civil process, whether or not there is detention of the person. *Halsey* v. *Stewart*, 4 N. J. L. 426; *Hale* v. *Wharton*, 73 Fed. 739; *Long* v. *Hawken*, 114 Md. 234, 79 Atl. 190. For in either case a party is distracted from pressing his suit, and on the ground of public policy he should be unfettered by service of process in another action. *Halsey* v. *Stewart, supra; Murray* v. *Wilcox*, 122 Iowa 188, 97 N. W. 1087, 101 Am. St. Rep. 263. The exemption applies to nonresident parties upon any judicial proceeding. *Kinne* v. *Lant*, 68 Fed. 436; *Matthews* v. *Tufts*, 87 N. Y. 568. The exemption covers a reasonable time before and after the proceeding. *Kinne* v. *Lant, supra; Wilson* v. *Donaldson*, 117 Ind. 356, 20 N. E. 250. If the nonresident party comes within the state on other business also he is not exempt. *Finucane* v. *Warner*, 194 N. Y. 160, 86 N. E. 1118. In one or two states a distinction has been made between nonresident plaintiffs and nonresident defendants, holding the latter exempt because under greater compulsion. *Bishop* v. *Vose*, 27 Conn. 1; *Wilson Sewing Machine Co.* v. *Wilson*, 51 Conn. 595, 22 Fed. 803. This distinction would seem unsound, for in either case the party is compelled to elect between entering the state and foregoing his rights.

The immunity of nonresident witnesses from service of civil process is quite generally recognized. *Capwell* v. *Sipe*, 17 R. I. 475, 33 Am. St. Rep. 890. To hold otherwise would make it difficult to secure attendance and would paralyze the functions of the court.

This immunity extends to nonresident attorneys within the state in the interests of a client, as they are officers of the court. *Central Trust Co.* v. *Milwaukee St. Ry. Co.*, 74 Fed. 442.

INJUNCTION—TRESPASS—ENCROACHMENT OF WALL.—The defendant erected a building adjoining the plaintiff's land. In the course of con-